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Working Paper on a model for a comprehensive agreement concerning the prohibition of chemical and biological means of warfare

I. In the intervention by the Swedish delegation on 9 March, 1971 (CCD/PV.499) a model for a comprehensive convention prohibiting the development, testing, production and stockpiling of chemical and biological means of warfare was tentatively described in general terms. In order to make the suggestions contained therein more easily comprehensible, they are outlined in the following in an abbreviated form. A "skeleton" of our ideas is thus presented. It should be underlined that the presented model is not complete - it deals primarily with the thorny issues of the scope of the prohibitions and procedures for verification - and that some of the suggestions are still very tentative. As a matter of fact both the intervention itself and this abbreviated presentation should primarily be regarded as stages in the "mapping expedition", covering the whole field of CBW, in which the CCD has been engaged for more than a year.

II. Scope of the prohibition

1. No prohibitory rules should be included in the presently discussed treaty against use of CBW which is dealt with in a comprehensive way in the Geneva Protocol of 1925.

2. The treaty should contain a principal overriding regulation, indicating the undertaking by the Parties "not to develop, test, produce, stockpile or otherwise acquire chemical and biological weapons".

3. This general undertaking ought to be complemented with a prohibitory rule against all transfers of weapons between Parties.

4. Two corollary obligations to the general prohibition concerning weapons would follow:

(a) the first concerned with destruction or other disposal of existing stocks of chemical and biological means of warfare;

(b) the second concerned with the training of troops in offensive combat with CBW, instructions on such methods in military manuals etc.

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5. There would follow a subsidiary set of prohibitions, concerned with the agents which constitute C and B weapons or are integral components of such weapons. These prohibitions would refer to production, testing and stockpiling, as well as transfers (export) of the agents.

6. The agents would be separated into two categories according to two technical criteria:

(a) Category (a) would compromise those agents, whether chemical, toxins or biological which have a practically exclusive use as potential means of warfare. They would, at the same time, be those agents which are super-toxic. In the chemical field this category would include all substances more toxic than 1 mg per kg body weight. It would thus i.a. comprise the chemical components of nerve gases and mustards, as well as all toxins;

(b) Category (b) would comprise all remaining chemical agents, less toxic than indicated by the above mentioned formula and which can be used as means of warfare but also have recognized peaceful uses. This would be the main category comprising such chemicals as hydrogen cyanide, phosgene, tear gases and defoliants. Also most biological agents would belong to this category in so far as they are produced for non-military purposes, e.g. for immunization.

7. There would, finally, be a third category, category (c), comprising ancillary equipment or vectors, specifically designed for using chemical and biological agents as means of warfare.

III. Verification

1. The verification procedures would probably have to be largely concentrated to the area of the agents. Suspicions of violations of the overall prohibition against CB weapons would have to be taken care of within the framework of a detailed complaints procedure. The same procedure would cover suspicions of violations against the corollary prohibitions against military training, army manuals etc.

2. The details of the complaints procedure will have to be worked out carefully. It should take the form of a system of successive steps, including consultations between the parties and other fact-finding measures. The final step would consist of a possibility of lodging a complaint with the UN Security Council.

3. Destruction and disposal of existing stocks of CBW would also have to be verified, preferably through an international procedure.

4. The more specific verification procedures would be concentrated on the agents. They would comprise a combination of national and international control measures.

The most rigorous methods of control would be those dealing with category (a) above, i.e. chemicals more toxic than 1 mg per kg body weight, toxins and biological agents without any recognized peaceful use.

The production of these compounds would in principle be prohibited. Any deviation from this general rule would have to be reported to an international agency, the report giving the reasons for the production (scientific use, protective measures etc). In case of any large-scale production (i.e. over one kg) or in case of suspected undeclared production, the international agency might be entitled to conduct an on-site inspection, either on the invitation of the producing or suspected party, or obligatory.

5. The compounds comprising category (b) as well as the ancillary equipment and vectors in category (c) would be controlled by national means only, such national control possibly in some cases complemented by statistical reporting by the parties to an international agency; they would further be subject, if suspicion was aroused, to the sequence of processes foreseen in the complaints procedure, i.e. through consultation and challenge and, in the final instance, by a reference of the dispute to the Security Council of the United Nations.

6. If and when new technical developments would allow more stringent verification procedures on the categories (b) and (c), agreement should be sought to shift them to category (a).